



DEPARTMENT OF THE ARMY
US ARMY INSTALLATION MANAGEMENT COMMAND
HEADQUARTERS, UNITED STATES ARMY GARRISON RED CLOUD
UNIT #15707
APO AP 96258

IMRD-ZA

08 MAY. 2015.

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: US Army Garrison-Red Cloud/Area I Policy Memorandum # 8-1 -
Procedures and Guidelines for Processing of Civilian and Family Member Misconduct
Occurring Within Area I

1. **PURPOSE.** To establish the procedures and guidelines for the processing of civilian and family member misconduct occurring in Area I.

2. **APPLICABILITY.** This Command Policy Memorandum is applicable to:

a. Appropriated and Nonappropriated Fund Department of Defense (DoD) civilian employees, their family members, and members of their households residing in Area I.

b. Family members and members of households of USFK military personnel residing in Area I.

c. US military retirees and their family members residing in Area I.

d. US embassy personnel and their family members residing in Area I.

e. Family members of civilian components as defined by Article I (DoD civilians, Technical Representatives, etc.) and Article XV (Invited Contractors) of the US-ROK SOFA.

f. Widows and/or widowers of US Armed Forces residing in Area I.

3. **REFERENCES.**

a. USFK Regulation 60-1, Ration Control Policy - Access to Duty Free Goods, 2 August 2013.

b. USFK Regulation 190-1, Motor Vehicle Traffic Supervision, 10 May 2012.

c. USFK Regulation 190-7, Installation Access Control System, 6 November 2014.

d. USFK Regulation 600-52, Civilian and/or Family Member Misconduct, 17 February 2014.

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4. RESPONSIBILITIES.

a. Civilian Misconduct Actions Specialist (CMAS) is the USAG-Red Cloud/Area I (USAG-RC/Area I) Commander's primary staff representative for all actions covered by this Command Policy. The CMAS:

(1) Screens military police blotter reports daily for potential cases of civilian or family member misconduct.

(2) Prepares and issues show-cause memoranda on behalf of the Commander, USAG Red Cloud and Area I.

(3) Coordinates all actions to set up a Family Member Conduct Review Board (FMCRB) on a case-by-case basis, as needed.

(4) Acts as the Recorder for all Family Member Conduct Review Boards (FMCRBs).

(5) Prepares record of proceedings of FMCRBs.

(6) Prepares memoranda outlining recommended sanctions for approval and signature by the Commander, USAG-RC/Area I.

(7) Plans, coordinates, and supervises the performance of community service imposed as a corrective action.

b. Command Sergeant Major (CSM), USAG-RC/Area I: Sits as a voting member of the FMCRB in cases where the sponsor is an enlisted service member.

c. Deputy to the Garrison Commander, USAG-RC/Area I serves as the President on all FMCRBs or designates a representative to serve as President when absent or otherwise unable to do so.

d. Provost Marshal Office (PMO), Area I:

(1) Ensures PMO provides daily blotter reports to the CMAS.

(2) Ensures that PMO provides final MP reports, upon request, to the CMAS as expeditiously as possible.

e. Area I Legal Center:

(1) Ensures that a legal advisor is available to the President, FMCRB, on an "on-call" basis.

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(2) Provides legal review of FMCRB proceedings or other related documents as requested.

f. Tenant Commanders will ensure that civilian or family member misconduct cases are referred to the CMAS, subject to the procedures outlined in paragraph 5 below.

g. The following will serve as, or provide, a voting member on FMCRBs as requested:

(1) Installation Deputy to the Garrison Commander—President (if delegated by the Installation Commander).

(2) Installation Command Sergeant Major for cases involving enlisted sponsors.

(3) Social Worker.

(4) Director of Human Resources.

(5) Other representatives should be added only on a case-by-case basis such as those from the sponsor's unit, Provost Marshal's Office, Installation Chaplain, and DoD School Principle.

5. PROCEDURES. The Republic of Korea exercises primary criminal jurisdiction over civilians until released to US authority. Within the parameters of US authority:

a. Managers and supervisors retain primary responsibility to take action to resolve or correct misconduct committed by their civilian employees. The Labor/Management Employee Relations Office in the Area I Civilian Personnel Advisory Center (CPAC), DSN 732-7873, will provide advice and assistance in resolving these cases.

b. The Commander, USAG-RC/Area I, or his designated representative, has primary responsibility for cases of misconduct committed by family members.

c. The Commander, USAG-RC/Area I, or his designated representative, will determine whether a civilian or family member misconduct case will be resolved by the show-cause letter procedures or FMCRB hearing.

d. Upon receipt of a civilian or family member misconduct case, the CMAS, in conjunction will prepare and issue a show-cause letter with proposed sanctions. Upon request, the Area I Legal Center will provide a legal review prior to issuance.

e. Civilians, family members or parents if the case involves a minor (under 18 years old), in receipt of a show-cause letter.

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(1) Elect not to contest the allegation and accept the proposed sanctions outlined in the show-cause letter. The CMAS will prepare a memorandum for the USAG-RC/Area I Commander's signature imposing those sanctions.

(2) Submit a written response and any documents to be considered to the CMAS within five business days of receipt of the order to show cause letter. The USAG-RC/Area I Commander will review all of the information submitted by the CMAS and the individual and determine whether the misconduct occurred and, if so, what sanctions should be imposed.

f. A FMCRB will be conducted according to the sample procedures in Appendix B to this Command Policy. Upon completion of the record of proceedings, the CMAS will prepare a decision memorandum for approval by the USAG-RC/Area I Commander.

g. This program is not intended to limit the discretion of military police personnel to handle incidents as they occur.

6. **NOTES ON SANCTIONS.** This program does not dictate specific sanctions. The Commander, USAG Red Cloud, encourages all personnel involved in the disposition of civilian or family member misconduct cases to ensure that any sanctions and corrective actions imposed are commensurate with the offenses that were committed, taking into account the totality of circumstances surrounding each individual case.

2 Appendices
A-Suggested Penalties
B-Procedural Guide

DISTRIBUTION:
A



JOHN W. HAEFNER
COL, EN
Commanding

APPENDIX A
SUGGESTED ADMINISTRATIVE SANCTIONS

Table A-1. Suggested Administrative Sanctions.					
Offense	Nature of Offense	First Offense	Second Offense	Third Offense	Remarks
1. Fighting or Assault	Creating a disturbance	Counseling or letter of warning to suspension of privileges for up to 60 days	Letter of warning to suspension of privileges for up to 60 days	Suspension of privileges for 6 months to early return of family members or tour curtailment	More severe administrative action may be appropriate based on the seriousness of the disturbance.
	Threatening or attempting to inflict bodily harm without injury	Letter of warning to suspension of privileges for up to 60 days	Suspension of privileges for up to 60 days to early return of family members or tour curtailment	Suspension or revocation of privileges to early return of family members or tour curtailment	
	Hitting, pushing or other acts against another without injury	Letter of warning to suspension of privileges for up to 60 days	Suspension of privileges for up to 60 days to early return of family members or tour curtailment	Early return of family members or curtailment of tour	More severe administrative action may be taken based on such factors as provocation and status of victim.
	Hitting, pushing or other acts against another causing injury	Letter of warning to early return of family members to tour curtailment	Early return of family members to tour curtailment		More severe administrative action may be taken based on such factors as provocation, extent of injuries, and status of victim.
NOTE: A particular adverse administrative action is not mandatory solely because it is listed in this table. Selection of an appropriate administrative action requires balancing relevant factors in each case.					

APPENDIX A
SUGGESTED ADMINISTRATIVE SANCTIONS (cont)

Table A-1. Suggested Administrative Sanctions (Cont).					
2. Truancy	Unexcused absence from school by child	Counseling or letter of warning	Letter of warning to suspension of privileges for up to 30 days	Suspension of privileges for up to 60 days to early return of family members	School system has primary jurisdiction unless coupled with an infraction that occurs during school hours
3. Insubordination	Refusal to obey orders, community or school rules, defiance of military police, Korean police, or commander's authority	Counseling or letter of warning to early return or family members	Suspension of privileges for up to 30 days to early return of family members	Early return of family members	Revocation of all logistic support privileges may be appropriate when family members refuse to leave.
4. Unauthorized use of alcohol or drugs	Unauthorized possession or transfer of alcoholic beverages or drugs while on Government property or in a Government housing area	Letter of warning to suspension of privileges for 30 days	Suspension of privileges for up to 6 months	Suspension of privileges for up to 1 year, revocation of privileges, to early return of family members or tour curtailment	More severe administrative action may be appropriate when aggravating factors are present (for example, giving alcohol or drugs to a child under the age of 16).
NOTE: A particular adverse administrative action is not mandatory solely because it is listed in this table. Selection of an appropriate administrative action requires balancing relevant factors in each case.					

APPENDIX A
SUGGESTED ADMINSTRATIVE SANCTIONS (cont)

Table A-1. Suggested Administrative Sanctions (Cont).					
Offense	Nature of Offense	First Offense	Second Offense	Third Offense	Remarks
4. Unauthorized use of alcohol or drugs	Unauthorized use of alcoholic beverages or drugs	Letter of warning to suspension of privileges for up to 60 days	Suspension of privileges for up to 6 months	Suspension of privileges for up to 1 year, revocation of privileges, to early return of family members	
5. Drunk and disorderly conduct	Drunk and creating a disturbance on Government property or in a Government housing area	Letter of warning to suspension of privileges for up to 60 days	Suspension of privileges for up to 1 year	Suspension of privileges for up to 1 year, revocation of privileges, to early return of family members or tour curtailment	
6. Child neglect	Failure to properly care for a child in violation of law, regulation, or policy	Counseling or letter of warning to suspension of privileges for up to 6 months	Suspension of privileges for up to 1 year, revocation of privileges, to early return of family members or tour curtailment		Early return of family members or tour curtailment may be appropriate for a first offense when the child's life or health is Endangered.
7. Arson	Intentionally setting fire to a building, structure, or property of another	Letter of warning to early return of family members or tour curtailment			If arson is in Government quarters, termination of quarters may be appropriate for a first offense.

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SUGGESTED ADMINISTRATIVE SANCTIONS (cont)

8. Damage to property	Intentional or willful damage to private or Government property	Suspension of privileges for up to 6 months	Suspension of privileges for up to 1 year	Suspension of privileges for up to 1 year, revocation of privileges, to early return of family members or tour curtailment	Appropriate administrative action depends on such factors as value of the property, amount of damage, and age of offender.
9. Misuse of ration card, purchase, or postal privileges	Violation of USFK Reg 60-1, governing the use of ration cards, purchase privileges, and postal services	Letter of warning to suspension of privileges for up to 6 months	Suspension of privileges for up to 1 year	Suspension of privileges for up to 1 year, revocation of privileges, to early return of family members or tour curtailment	More severe administrative action may be appropriate when evidence shows misuse was for profit.
10. Vehicle and traffic violations	Moving and parking violations within areas subject to U.S. Forces jurisdiction	Letter of warning to proposed suspension of driving privileges under USFK Reg 190-1	Proposed suspension of driving privileges under USFK Reg 190-1	Proposed Suspension of driving privileges to early return of family members	If appropriate suspension or revocation authority declines to take action, CMAA should consider bar from entry or early return of family members.

NOTE: A particular adverse administrative action is not mandatory solely because it is listed in this table. Selection of an appropriate administrative action requires balancing relevant factors in each case.

APPENDIX A
SUGGESTED ADMINSTRATIVE SANCTIONS (cont)

Table A-1. Suggested Administrative Sanctions (Cont).					
Offense	Nature of Offense	First Offense	Second Offense	Third Offense	Remarks
11. Drunk or drugged driving	Driving any vehicle while under the influence of alcohol or drugs	Proposed suspension of driving privileges under USFK Reg 190-1 mandatory suspension	Proposed revocation under USFK Reg 190-1		Second offense within 5 years requires mandatory revocation for 5 years.
12. Shoplifting		Suspension of privileges for up to 6 months	Suspension of privileges for up to 1 year	Revocation of privileges to early return of family members or tour curtailment	AAFES privileges must be suspended for at least 6 months under AR 600-8-14, Para 1.11. Indefinite suspension for third offense is authorized.
13. Receipt of stolen goods	Knowingly receiving, possessing, or purchasing stolen property	Letter of warning to early return of family members or tour curtailment			
NOTE: A particular adverse administrative action is not mandatory solely because it is listed in this table. Selection of an appropriate administrative action requires balancing relevant factors in each case.					

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SUGGESTED ADMINSTRATIVE SANCTIONS

14. Unauthorized use or possession of a controlled substance	Introduction of controlled substance To Government property or housing area for personal use	Suspension of privileges for up to 30 days to early return of family members or tour curtailment	Early return of family members or tour curtailment		
	Introduction of controlled substance to Government property or housing area in amounts sufficient for distribution on Government property or in a Government housing area	Early return of family members or tour curtailment			
15. Trespassing	Normally an offense involving a nonaffiliated person	Bar to entry			
NOTE: A particular adverse administrative action is not mandatory solely because it is listed in this table. Selection of an appropriate administrative action requires balancing relevant factors in each case.					

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APPENDIX A
SAMPLE JUVENILE CIVILIAN MISCONDUCT ADMINISTRATIVE SANCTIONS
MATRIX

OFFENSE / INCIDENT	#	ADMINISTRATIVE SANCTIONS
Assault	1 st	50 Hrs Community Service+ ASACS* Referral+ 2-1000 Word Essays
	2 nd	100 Hrs Community Service + ASACS Referral+ 1-2500 Word Essay
	3 rd	Installation Bar / Early Return of Dependents to CONUS
Arson/Fire Safety Device Activation	1 st	100 Hrs Community Service + ASACS Referral
	2 nd	Installation Bar / Early Return of Dependents to CONUS
Bomb Threat	1 st	Installation Bar / Early Return of Dependents to CONUS
Curfew Violation	1 st	50 Hrs Community Service + ASACS Referral+ 2-1000 Word Essays
	2 nd	100 Hrs Community Service + ASACS Referral+ 1-2500 Word Essay
	3 rd	200 Hrs Community Service + ASACS Referral Or
		Installation Bar / Early Return of Dependents to CONUS
Damage Of Gov't / Private Property	1 st	50 Hrs Community Service + ASACS Referral+ 2-1000 Word Essay
	2 nd	100 Hrs Community Service + ASACS Referral+ 1-2500 Word Essay
	3 rd	Installation Bar / Early Return of Dependents to CONUS
Driving Without License	1 st	50 Hrs Community Service + ASACS Referral
	2 nd	100 Hrs Community Service + ASACS Referral
	3 rd	200 Hrs Community Service + ASACS Referral Or
		Installation Bar / Early Return of Dependents to CONUS
Drug Related Offense	1 st	100 Hrs Community Service + ASACS Referral + Limited Area Bar
	2 nd	Installation Bar / Early Return of Dependents to CONUS
Drug Sale / Transfer	1 st	Installation Bar / Early Return of Dependents to CONUS
Juvenile Misconduct (Miscellaneous)	1 st	50 Hrs Community Service + ASACS Referral+ 2-1000 Word Essays
	2 nd	100 Hrs Community Service + ASACS Referral+ 1-2500 Word Essay
	3 rd	200 Hrs Community Service + ASACS Referral or Installation Bar /
		Early Return of Dependents to CONUS
Official Document Sale Transfer (ID/RCP/Passport)	1 st	100 Hrs Community Service + ASACS Referral + Limited Area Bar or Installation Bar / Early Return of Dependents to CONUS

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APPENDIX A
SAMPLE JUVENILE CIVILIAN MISCONDUCT ADMINISTRATIVE SANCTIONS
MATRIX (cont)

OFFENSE / INCIDENT	#	ADMINISTRATIVE SANCTIONS
Shoplifting (On / Off Post)	1 st	50 Hrs Community Service + 6 MOS RCP Suspension + ASACS Referral+ 2-1000 Word Essays
	2 nd	100 Hrs Community Service + 12 MOS RCP Suspension + ASACS Referral+ 1-2500 Word Essay
	3 rd	200 Hrs Community Service + 24 MOS RCP Suspension + ASACS Referral
		Or Installation Bar / Early Return of Dependents to CONUS
Trespassing	1 st	50 Hrs Community Service + ASACS Referral+ 2-1000 Word Essay
	2 nd	100 Hrs Community Service + ASACS Referral+ 1-2500 Word Essay
	3 rd	Installation Bar / Early Return of Dependents to CONUS
Truancy	1 st	50 Hrs Community Service + ASACS Referral+ 2-1000 Word Essay
	2 nd	100 Hrs Community Service + ASACS Referral+ 1-2500 Word Essay
	3 rd	200 Hrs Community Service + ASACS Referral Or
		Installation Bar / Early Return of Dependents to CONUS
Underage Drinking	1 st	50 Hrs Community Service + ASACS Referral
	2 nd	100 Hrs Community Service + ASACS Referral
	3 rd	200 Hrs Community Service + ASACS Referral Or
		Installation Bar / Early Return of Dependents to CONUS
Violation Off Limits Areas	1 st	50 Hrs Community Service + ASACS Referral
	2 nd	100 Hrs Community Service + ASACS Referral
	3 rd	200 Hrs Community Service + ASACS Referral Or
		Installation Bar / Early Return of Dependents to CONUS

NOTE: A particular adverse administrative action is not mandatory solely because it is listed in this table. Selection of an appropriate administrative action requires balancing relevant factors in each case.

*ASACS = Adolescent Substance Abuse Counseling Service

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**APPENDIX B to USAG- Red Cloud/Area I Policy #8-1
FAMILY MEMBER CONDUCT REVIEW BOARD
PROCEDURAL GUIDE**

I. PRELIMINARY MATTERS

PRESIDENT (Pres): This session of the Family Member Conduct Review Board will come to order. This Board is convened under authority of USFK Reg 600-52 and USAG Red Cloud Command Policy Memorandum, Procedures and Guidelines for the Processing of Civilian and Family Member Misconduct Occurring in Area I. This session of the Board has been called to consider the alleged misconduct of _____. This Board seeks to determine the facts and make a recommendation to the Commander, USAG-RC/Area I, as to proper disposition. These proceedings are informal, non-adversarial, and administrative, not criminal, in nature. Each member of the Board will respect the privacy of the individuals involved by not discussing this case outside of these proceedings except as required in an official capacity.

PRES: You may present any relevant documentary evidence on your own behalf for Board's consideration.

PRES: You or your spokesperson may also make a statement on your behalf to the Board. Should you or your spokesperson choose to make a statement you will be subject to questioning by this Board. This option is entirely your own choice.

II. PRESENTATION OF DOCUMENTARY EVIDENCE

PRES: The Recorder will identify the documentary evidence that the board currently has in its possession that it plans to consider.

PRES: Do you desire to offer any documents for consideration by the Board?

III. ORAL OR WRITTEN STATEMENT

PRES: _____[Sponsor and family member], you may now submit a written statement or make a statement on your own behalf. Do you wish to make a statement?

PRES: Do you wish to present anything further?

PRES: There being nothing further, this proceeding is adjourned for the members to deliberate. The Commander, USAG-RC/Area I, will inform you in writing of his decision in this case.

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IV. DELIBERATIONS.

(NOTE: In closed session, the Board will make findings based on the evidence and provide recommendations regarding disposition of the matter by simple majority vote. A minority opinion also may be submitted to the Commander if desired. The President will summarize the findings and recommendations on the record of the proceedings form.)